

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

GETTY IMAGES, INC., a Delaware Corporation,

Plaintiff,

VS.

ROXANNE MOTAMEDI, an individual,

Defendant.

Case No. 2:16-cv-1892

JOINT STATUS REPORT AND DISCOVERY PLAN

Come now the parties, in accordance with the Order Regarding Initial Disclosures, Joint Status Report, And Early Settlement entered herein on January 23, 2017, and submit the following Joint Status Report and Discovery Plan.

1. Nature and Complexity of the Case. This case involves claims for breach of contract, violations of the Defend Trade Secrets Act and Uniform Trade Secrets Act, unfair competition, conversion and/or trespass of chattel, unjust enrichment, tortious interference, breach of fiduciary duty and duty of loyalty, and civil conspiracy. Plaintiff seeks compensatory and punitive damages, injunctive relief, and attorneys' fees. The case is complex because it involves Requests for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on Taking of Evidence Abroad in Civil or Commercial Matters, as material witnesses are located in other countries, including but not limited to, England, France, and Italy, as well as the United States.

2. Proposed Deadline for Joining Parties. The parties agree that the deadline for joining additional parties should be May 31, 2017.

3. Consent to Magistrate Judge. No.

4. Discovery Plan.

(A) Initial disclosures. In accordance with the Order Regarding Initial Disclosures, Joint Status Report, And Early Settlement, the parties served Initial Disclosures on February 6, 2017.

(B) Subjects, timing, and potential phasing of discovery. The parties anticipate that the issues for discovery include, but are not limited to: Plaintiff's policies and practices; Defendant's employment with Plaintiff; Defendant's alleged misappropriation of Plaintiff's alleged trade secrets and confidential information; Defendant's alleged solicitation of Plaintiff's employees, contributors, partners and clients; Defendant's alleged communications with Nick Evans-Lombe and others regarding Plaintiff's alleged trade secrets and confidential information, and Plaintiff's employees, contributors, partners, and clients; Defendant's other alleged pre- and post-resignation activities related to Plaintiff's claims and damages; Plaintiff's alleged damages; and Defendant's defenses to Plaintiff's allegations. In addition to expedited discovery conducted to date, the parties anticipate standard discovery, consisting of an exchange of requests for admissions, requests for production and interrogatories, requests for forensic analysis of electronic devices and cloud-based accounts, subpoenas to third parties, depositions of the principal witnesses, and any expert discovery. Plaintiff may seek further Letters of Request to pursue discovery from persons in foreign jurisdictions. Whether expert witnesses will be called by either or both parties depends on facts learned during discovery. The parties do not propose any type of phased discovery. The parties conducted their Rule 26(f) conference on January 25, 2017, and may proceed with discovery.

(C) Electronically stored information. The parties each have and will continue to maintain and will preserve electronically stored information (ESI) relevant to the claims or defenses in this litigation. The parties will seek to minimize the expense of requesting and producing ESI. The parties will confer as appropriate concerning more specific ESI agreements for additional discovery.

1 (D) **Privilege issues.** The parties are not aware of any privilege issues at this
 2 time beyond those normally encountered in a complex case of this type.

3 (E) **Proposed limitations on discovery.** The parties do not propose any
 4 changes to the limitations placed on discovery by the Federal Rules of Civil Procedure and this
 5 Court's rules.

6 (F) **The need for any discovery related orders.** The parties expect to
 7 propose a Stipulated Protective Order for approval by the Court. Otherwise, the parties believe
 8 that no additional orders need to be entered by the Court regarding discovery at this time.

9 5. **Parties' Views, Proposals and Agreements Concerning Case.**

10 (A) **Prompt case resolution.** In an effort to promptly resolve this matter, the
 11 parties have discussed seeking the assistance of a mediator, as recommended by the Court at the
 12 parties' January 12, 2017, appearance. The parties are not aware of any other means to promptly
 13 resolve the case but will continue to explore possibilities.

14 (B) **Alternative dispute resolution.** The parties agree that mediation is the
 15 appropriate form of alternative dispute resolution in this case. The parties have discussed seeking
 16 the assistance of a mediator as recommended by the Court at the parties' January 12, 2017,
 17 appearance, after conducting additional discovery.

18 (C) **Related cases.** There are no pending related cases.

19 (D) **Discovery management.** The parties will minimize the expense of
 20 discovery to the extent possible by cooperating in production of documents and witnesses and by
 21 maintaining open lines of communication.

22 (E) **Anticipated discovery sought.** Plaintiff intends to take depositions of
 23 Defendant, Nick Evans-Lombe, and Plaintiff's former employees with knowledge related to
 24 Plaintiff's claims, as well as any other witnesses disclosed by Plaintiff or Defendant. Defendant
 25 intends to take depositions of Plaintiff's current or former employees who, after receiving
 26 discovery from Plaintiff, appear to have knowledge or information relevant to Plaintiff's claim or
 27 Defendant's defenses, as well as other witnesses disclosed by the parties. Both parties intend to

1 use written discovery in the form of requests for admissions, requests for production and
2 interrogatories. Plaintiff will also request forensic analysis of Defendant's electronic devices and
3 cloud-based accounts. In addition, the parties expect to pursue discovery from third parties.
4 Whether expert witnesses will be called by either or both parties depends on facts learned during
5 discovery.

6 **(F) Phasing motions.** The parties anticipate that motions for full or at least
7 partial summary judgment will be filed.

8 **(G) Preservation of discoverable information.** The parties have agreed to
9 and instituted "litigation holds" and are preserving discoverable information.

10 **(H) Privilege issues.** The parties are not aware of any privilege issues. The
11 parties agree that information produced in discovery that is protected as privileged or work
12 product shall be immediately returned to the producing party, and its production shall not
13 constitute a waiver of such protection, if: (i) such information appears on its face to have been
14 inadvertently produced or (ii) the producing party provides notice within a reasonable time after
15 discovery by the producing party of the inadvertent production.

16 **(I) Model Protocol for Discovery of ESI.** The parties expect to propose a
17 modified version of the Model Agreement Regarding Discovery of Electronically Stored
18 Information for approval by the Court.

19 **(J) Alternatives to Model Protocol.** The parties expect to propose a
20 modified version of the Model Agreement Regarding Discovery of Electronically Stored
21 Information for approval by the Court.

22 **6. Discovery Completion.** The parties agree to complete discovery by September
23 29, 2017.

24 **7. Bifurcation.** The parties agree the case should not be bifurcated.

25 **8. Utilization of Individualized Trial Program:** The parties do not intend to
26 utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options
27 set forth in Local Civil Rule 39.1.

1 **9. Suggestions for Shortening or Simplifying Case.** Partial or complete motions
2 for summary judgment, and mediation may be appropriate for resolution of this case. The parties
3 will also determine what issues might be resolved by stipulation.

4 **10. Trial Dates.** The case should be ready for trial by January 29, 2018.

5 **11. Jury/Non-Jury Trial.** Plaintiff has requested a jury trial.

6 **12. Length of Trial.** The parties believe that the case should take 10 days for trial.

7 **13. Names, Addresses, and Telephone Numbers of all Trial Counsel:**

8 Attorneys for Plaintiff: Jeffrey A. James
9 Tina Aiken
10 14205 SE 36th Street, Suite 325
11 Bellevue, Washington 98006
12 Telephone: (425) 450-3384

13 Attorneys for Defendant:

14 John G. Balestriere Duncan E. Manville
15 Matthew W. Schmidt Sarah Gohmann Bigelow
16 225 Broadway, 29th Floor 1425 Fourth Avenue, Suite 800
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18 Telephone: (212) 374-5401 Telephone: (206) 749-0500

19 **14. Dates on Which Trial Counsel May Have Complications.**

20 Attorneys for Plaintiff:

21 2017: March 1-17, April 10-April 17, May 1-June 2, July 4-10, July 15-August
22 14, September 15-26, October 25-November 7.

23 Attorneys for Defendant:

24 2017: May 3-9

25 **15. Service of Process.** The Defendant in this case has been served.

26 **16. Scheduling Conference before Scheduling Order.** No.

27 DATED this 13th day of February, 2017.

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